IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2783 of 1984

Pankaj Co-op Housing Soc.Ltd. .. Plaintiff

versus

Rungta Finance & Investment P.Ltd.& ors.. Defendants

...

None present for the plaintiff.

Mr.K.K. Jadhav i/b Mulla & Mulla for the defendant nos., 12 to 17.

CORAM : D.G. KARNIK,J.

DATED : 22nd July 2005.

P.C.:

1. Suit is listed on board forhearing. None present for the plaintiff when called.

2. Learned counsel for the defendant states that defendant nos.2, 12 and 15 are one and the same person and he has died. His heirs have not been brought on record. Hence, suit against defendant n.2, 12 and 15 stands abated. He further

states that defendant nos.13 and 16 have already died. Suit against defendant nos.13 and 16 also stands abated.

3. Learned counsel for the appearing defendants also points out that despite the order dated 2nd September 1987 passed by this Court in Notice of Motion no.2547 of 1984, plaintiff has not amended the plaint and disobeyed the order of the Court. In any event, the plaintiff and his Advocate are absent when called. Suit is therefore dismissed under Order 9 Rule 8 of the Code of Civil Procedure.

D.G. KARNIK, J